

# Calendar No. 113

113TH CONGRESS  
1ST SESSION

# S. 342

[Report No. 113-59]

To designate the Pine Forest Range Wilderness area in Humboldt County,  
Nevada.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. REID (for himself and Mr. HELLER) introduced the following bill; which  
was read twice and referred to the Committee on Energy and Natural  
Resources

JUNE 27, 2013

Reported by Mr. WYDEN, without amendment

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# A BILL

To designate the Pine Forest Range Wilderness area in  
Humboldt County, Nevada.

- 1       *Be it enacted by the Senate and House of Representa-*
- 2       *tives of the United States of America in Congress assembled,*
- 3       **SECTION 1. SHORT TITLE.**
- 4       This Act may be cited as the “Pine Forest Range
- 5       Recreation Enhancement Act of 2013”.

1   **SEC. 2. DEFINITIONS.**

2       In this Act:

3           (1) COUNTY.—The term “County” means  
4           Humboldt County, Nevada.

5           (2) MAP.—The term “Map” means the map en-  
6           titled “Proposed Pine Forest Wilderness Area” and  
7           dated July 5, 2011.

8           (3) SECRETARY.—The term “Secretary” means  
9           the Secretary of the Interior.

10          (4) STATE.—The term “State” means the State  
11          of Nevada.

12          (5) WILDERNESS.—The term “Wilderness”  
13          means the Pine Forest Range Wilderness designated  
14          by section 3(a).

15   **SEC. 3. ADDITION TO NATIONAL WILDERNESS PRESERVA-**  
16           **TION SYSTEM.**

17          (a) DESIGNATION.—In furtherance of the purposes of  
18          the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-  
19          mately 26,000 acres of Federal land managed by the Bu-  
20          reau of Land Management, as generally depicted on the  
21          Map, is designated as wilderness and as a component of  
22          the National Wilderness Preservation System, to be known  
23          as the “Pine Forest Range Wilderness”.

24          (b) BOUNDARY.—

1                     (1) ROAD ACCESS.—The boundary of any portion  
2                     of the Wilderness that is bordered by a road  
3                     shall be 100 feet from the edge of the road.

4                     (2) ROAD ADJUSTMENTS.—The Secretary  
5                     shall—

6                         (A) reroute the road running through  
7                     Long Meadow to the west to remove the road  
8                     from the riparian area;

9                         (B) reroute the road currently running  
10                     through Rodeo Flat/Corral Meadow to the east  
11                     to remove the road from the riparian area; and

12                         (C) close, except for administrative use,  
13                     the road along Lower Alder Creek south of Bu-  
14                     reau of Land Management road #2083.

15                     (3) RESERVOIR ACCESS.—The boundary of the  
16                     Wilderness shall be 160 feet downstream from the  
17                     dam at Little Onion Reservoir.

18                     (c) MAP AND LEGAL DESCRIPTION.—

19                         (1) IN GENERAL.—As soon as practicable after  
20                     the date of enactment of this Act, the Secretary  
21                     shall prepare a map and legal description of the Wil-  
22                     derness.

23                         (2) EFFECT.—The map and legal description  
24                     prepared under paragraph (1) shall have the same  
25                     force and effect as if included in this Act, except

1       that the Secretary may correct clerical and typographical errors in the map or legal description.

3                     (3) AVAILABILITY.—The map and legal description prepared under paragraph (1) shall be on file  
4       and available for public inspection in the appropriate  
5       offices of the Bureau of Land Management.

7                     (d) WITHDRAWAL.—Subject to valid existing rights,  
8       the Wilderness is withdrawn from—

9                         (1) all forms of entry, appropriation, and disposal under the public land laws;

11                         (2) location, entry, and patent under the mining laws; and

13                         (3) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

15 **SEC. 4. ADMINISTRATION.**

16                     (a) MANAGEMENT.—Subject to valid existing rights,  
17       the Wilderness shall be administered by the Secretary in  
18       accordance with the Wilderness Act (16 U.S.C. 1131 et  
19       seq.), except that—

20                         (1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

23                         (2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

1       (b) LIVESTOCK.—The grazing of livestock in the Wil-  
2 derness, if established before the date of enactment of this  
3 Act, shall be allowed to continue, subject to such reason-  
4 able regulations, policies, and practices as the Secretary  
5 considers to be necessary in accordance with—

6                     (1) section 4(d)(4) of the Wilderness Act (16

7 U.S.C. 1133(d)(4)); and

8                     (2) the guidelines set forth in Appendix A of  
9 the report of the Committee on Interior and Insular  
10 Affairs of the House of Representatives accom-  
11 panying H.R. 2570 of the 101st Congress (House  
12 Report 101–405).

13       (c) INCORPORATION OF ACQUIRED LAND AND INTER-  
14 ESTS.—Any land or interest in land within the boundary  
15 of the Wilderness that is acquired by the United States  
16 after the date of enactment of this Act shall be added to  
17 and administered as part of the Wilderness.

18       (d) ADJACENT MANAGEMENT.—

19                     (1) IN GENERAL.—Congress does not intend for  
20 the designation of the Wilderness to create a protec-  
21 tive perimeter or buffer zone around the Wilderness.

22                     (2) NONWILDERNESS ACTIVITIES.—The fact  
23 that nonwilderness activities or uses can be seen or  
24 heard from areas within the Wilderness shall not

1 preclude the conduct of the activities or uses outside  
2 the boundary of the Wilderness.

3 (e) MILITARY OVERFLIGHTS.—Nothing in this Act  
4 restricts or precludes—

5 (1) low-level overflights of military aircraft over  
6 the Wilderness, including military overflights that  
7 can be seen or heard within the Wilderness;

8 (2) flight testing and evaluation; or

9 (3) the designation or creation of new units of  
10 special use airspace, or the establishment of military  
11 flight training routes, over the Wilderness.

12 (f) WILDFIRE, INSECT, AND DISEASE MANAGE-  
13 MENT.—In accordance with section 4(d)(1) of the Wilder-  
14 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take  
15 such measures in the Wilderness as are necessary for the  
16 control of fire, insects, and diseases (including, as the Sec-  
17 retary determines to be appropriate, the coordination of  
18 the activities with a State or local agency).

19 (g) WILDFIRE MANAGEMENT OPERATIONS.—Noth-  
20 ing in this Act precludes a Federal, State, or local agency  
21 from conducting wildfire management operations (includ-  
22 ing operations using aircraft or mechanized equipment).

23 (h) CLIMATOLOGICAL DATA COLLECTION.—In ac-  
24 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)  
25 and subject to such terms and conditions as the Secretary

1 may prescribe, the Secretary may authorize the installa-  
2 tion and maintenance of hydrologic, meteorologic, or cli-  
3 matological collection devices in the Wilderness if the Sec-  
4 retary determines that the facilities and access to the fa-  
5 cilities are essential to flood warning, flood control, or  
6 water reservoir operation activities.

7           (i) WATER RIGHTS.—

8           (1) FINDINGS.—Congress finds that—

9               (A) the land designated as wilderness by  
10              this Act is located—

11               (i) in the semiarid region of the Great  
12              Basin; and

13               (ii) at the headwaters of the streams  
14              and rivers on land with respect to which  
15              there are few, if any—

16               (I) actual or proposed water re-  
17              source facilities located upstream; and

18               (II) opportunities for diversion,  
19              storage, or other uses of water occur-  
20              ring outside the land that would ad-  
21              versely affect the wilderness values of  
22              the land;

23               (B) the land designated as wilderness by  
24              this Act is generally not suitable for use or de-  
25              velopment of new water resource facilities; and

7                   (2) PURPOSE.—The purpose of this section is  
8                   to protect the wilderness values of the land des-  
9                   ignated as wilderness by this Act by means other  
10                  than a federally reserved water right.

(C) establishes a precedent with regard to  
any future wilderness designations;

22 (D) affects the interpretation of, or any  
23 designation made under, any other Act; or

24 (E) limits, alters, modifies, or amends any  
25 interstate compact or equitable apportionment

1            decree that apportions water among and be-  
2            tween the State and other States.

3            (4) NEVADA WATER LAW.—The Secretary shall  
4            follow the procedural and substantive requirements  
5            of State law in order to obtain and hold any water  
6            rights not in existence on the date of enactment of  
7            this Act with respect to the Wilderness.

8            (5) NEW PROJECTS.—

9                (A) DEFINITION OF WATER RESOURCE FA-  
10              CILITY.—

11                (i) IN GENERAL.—In this paragraph,  
12                the term “water resource facility” means  
13                irrigation and pumping facilities, res-  
14                ervoirs, water conservation works, aque-  
15                ducts, canals, ditches, pipelines, wells, hy-  
16                dropower projects, transmission and other  
17                ancillary facilities, and other water diver-  
18                sion, storage, and carriage structures.

19                (ii) EXCLUSION.—In this paragraph,  
20                the term “water resource facility” does not  
21                include wildlife guzzlers.

22                (B) RESTRICTION ON NEW WATER RE-  
23                SOURCE FACILITIES.—Except as otherwise pro-  
24                vided in this Act, on or after the date of enact-  
25                ment of this Act, neither the President nor any

1           other officer, employee, or agent of the United  
2           States shall fund, assist, authorize, or issue a  
3           license or permit for the development of any  
4           new water resource facility within a wilderness  
5           area, any portion of which is located in the  
6           County.

7   **SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.**

8       (a) FINDING.—Congress finds that, for the purposes  
9       of section 603(c) of the Federal Land Policy and Manage-  
10      ment Act of 1976 (43 U.S.C. 1782(c)), the portions of  
11      the Blue Lakes and Alder Creek wilderness study areas  
12      not designated as wilderness by section 3(a) have been  
13      adequately studied for wilderness designation.

14       (b) RELEASE.—Any public land described in sub-  
15      section (a) that is not designated as wilderness by this  
16      Act—

17           (1) is no longer subject to section 603(c) of the  
18           Federal Land Policy and Management Act of 1976  
19           (43 U.S.C. 1782(c)); and

20           (2) shall be managed in accordance with the ap-  
21          plicable land use plans adopted under section 202 of  
22          that Act (43 U.S.C. 1712).

23   **SEC. 6. WILDLIFE MANAGEMENT.**

24       (a) IN GENERAL.—In accordance with section  
25      4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),

1 nothing in this Act affects or diminishes the jurisdiction  
2 of the State with respect to fish and wildlife management,  
3 including the regulation of hunting, fishing, and trapping,  
4 in the Wilderness.

5       (b) MANAGEMENT ACTIVITIES.—In furtherance of  
6 the purposes and principles of the Wilderness Act (16  
7 U.S.C. 1131 et seq.), the Secretary may conduct any man-  
8 agement activities in the Wilderness that are necessary to  
9 maintain or restore fish and wildlife populations and the  
10 habitats to support the populations, if the activities are  
11 carried out—

12           (1) consistent with relevant wilderness manage-  
13 ment plans; and

14           (2) in accordance with—

15               (A) the Wilderness Act (16 U.S.C. 1131 et  
16 seq.); and

17               (B) appropriate policies, such as those set  
18 forth in Appendix B of the report of the Com-  
19 mittee on Interior and Insular Affairs of the  
20 House of Representatives accompanying H.R.  
21 2570 of the 101st Congress (House Report  
22 101–405), including the occasional and tem-  
23 porary use of motorized vehicles if the use, as  
24 determined by the Secretary, would promote  
25 healthy, viable, and more naturally distributed

1           wildlife populations that would enhance wilder-  
2           ness values with the minimal impact necessary  
3           to reasonably accomplish those tasks.

4        (c) EXISTING ACTIVITIES.—Consistent with section  
5  4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and  
6  in accordance with appropriate policies such as those set  
7  forth in Appendix B of the report of the Committee on  
8  Interior and Insular Affairs of the House of Representa-  
9  tives accompanying H.R. 2570 of the 101st Congress  
10 (House Report 101–405), the State may continue to use  
11 aircraft, including helicopters, to survey, capture, trans-  
12 plant, monitor, and provide water for wildlife populations  
13 in the Wilderness.

14       (d) HUNTING, FISHING, AND TRAPPING.—

15           (1) IN GENERAL.—The Secretary may des-  
16 ignate areas in which, and establish periods during  
17 which, for reasons of public safety, administration,  
18 or compliance with applicable laws, no hunting, fish-  
19 ing, or trapping will be permitted in the Wilderness.

20           (2) CONSULTATION.—Except in emergencies,  
21 the Secretary shall consult with the appropriate  
22 State agency and notify the public before taking any  
23 action under paragraph (1).

24       (e) COOPERATIVE AGREEMENT.—

1                         (1) IN GENERAL.—The State, including a des-  
2 ignee of the State, may conduct wildlife management  
3 activities in the Wilderness—

4                         (A) in accordance with the terms and con-  
5 ditions specified in the cooperative agreement  
6 between the Secretary and the State entitled  
7 “Memorandum of Understanding between the  
8 Bureau of Land Management and the Nevada  
9 Department of Wildlife Supplement No. 9” and  
10 signed November and December 2003, includ-  
11 ing any amendments to the cooperative agree-  
12 ment agreed to by the Secretary and the State;  
13 and

14                         (B) subject to all applicable laws (including  
15 regulations).

16                         (2) REFERENCES; CLARK COUNTY.—For the  
17 purposes of this subsection, any reference to Clark  
18 County in the cooperative agreement described in  
19 paragraph (1)(A) shall be considered to be a ref-  
20 erence to the Wilderness.

21 **SEC. 7. LAND EXCHANGES.**

22                         (a) DEFINITIONS.—In this section:

23                         (1) FEDERAL LAND.—The term “Federal land”  
24 means Federal land in the County that is identified

1       for disposal by the Secretary through the  
2       Winnemucca Resource Management Plan.

3                     (2) NON-FEDERAL LAND.—The term “non-Fed-  
4       eral land” means land identified on the Map as  
5       “non-Federal lands for exchange”.

6                     (b) ACQUISITION OF LAND AND INTERESTS IN  
7       LAND.—Consistent with applicable law and subject to sub-  
8       section (c), the Secretary may exchange the Federal land  
9       for non-Federal land.

10                  (c) CONDITIONS.—Each land exchange under sub-  
11       section (a) shall be subject to—

12                     (1) the condition that the owner of the non-  
13       Federal land pay not less than 50 percent of all  
14       costs relating to the land exchange, including the  
15       costs of appraisals, surveys, and any necessary envi-  
16       ronmental clearances; and

17                     (2) such additional terms and conditions as the  
18       Secretary may require.

19                  (d) DEADLINE FOR COMPLETION OF LAND EX-  
20       CHANGE.—It is the intent of Congress that the land ex-  
21       changes under this section be completed by not later than  
22       5 years after the date of enactment of this Act.

## 1 SEC. 8. NATIVE AMERICAN CULTURAL AND RELIGIOUS

## 2 USES.

3 Nothing in this Act alters or diminishes the treaty  
4 rights of any Indian tribe (as defined in section 4 of the  
5 Indian Self-Determination and Education Assistance Act  
6 (25 U.S.C. 450b)).

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Reported without amendment